

To: Michael.G.Nepstad@usace.army.mil[]
Cc: Paul.J.Robershotte@usace.army.mil;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]; N=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Tue 6/21/2011 3:28:02 PM
Subject: Re: Attached is latest Draft MOU
<http://per2.nwp.usace.army.mil/survey.html>
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>
<mailto:Hagler.Tom@epamail.epa.gov>

Hi Mike,

Just want to make sure that this draft MOU includes Patti et al's comments. She mentioned they'd be sending you something on Monday. I'll send out meeting confirmation, agenda, and materials as soon as I hear from you.

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----"Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil> wrote: -----

To: Tom Hagler/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA
From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
Date: 06/20/2011 03:45PM
Cc: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
Subject: Attached is latest Draft MOU

Tom and Erin,

I like your write up and have no problem with it. Attached is latest draft.

I may not be able to attend meeting Wednesday as there deadly serious administrative issues for me to deal with (which waited for Michael Jewell to go on vacation before it surfaced, as usual). So I'm entrusting Erin to lead if I can't make it (I will try to make it, but things are breaking too fast to know now if I will or not).

MOU needs to be signed soon, so after this meeting we should have the third draft be fully vetted by each agencies counsels and deciders (including DWR's) so we have one last set of comments and then can go to signature ready version within a month or sooner. Our July 20th meeting should be the first meeting under the MOU, rather than our last meeting to develop the MOU.

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-----Original Message-----

From: Hagler.Tom@epamail.epa.gov [mailto:Hagler.Tom@epamail.epa.gov]
Sent: Monday, June 20, 2011 12:13 PM
To: Nepstad, Michael G SPK
Cc: Pldlof@usbr.gov; Foresman.Erin@epamail.epa.gov
Subject: Suggestions to BDCP MOU

Mike -

I just reread the MOU in a quiet space, and don't have any substantive changes. This is in part because I vaguely recall being part of the EPA team who worked on the earlier HSR and CalTrans MOUs that were the model. But here are two comments:

(1) I especially like what you added to the front, where you explicitly articulated who will be relying on this EIS for what permits. That will focus people's minds.

(2) Trying to be responsive to the CEQ/DOI constellation from last week, I drafted a new section for the MOU where we explicitly agree on the P+N, as published in February 2010 and "interpreted" in October 2010.

However, after talking to Erin and after rereading the MOU and the P+N, I realized that we have only discussed the "NEPA purpose" statement. That is, we haven't really talked about the "NEPA need" statement nor have we ever seen something that could be characterized as a Corps "basic and overall purpose" statement covering the site-specific projects covered by this EIS.

So I'm proposing that you send out this one pager on "Agreement on NEPA Purpose Statement" as a separate attachment for now, rather than putting it into the next draft. We need to talk about whether doing any agreement on purpose makes sense, absent motion on the other parts of the P+N issue.

Erin - This is different from what you saw, only in that I tailored it for "purpose" as opposed to "purpose and need."

Here's the attachment:

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[attachment "P+Nfor404MOU062011.docx" removed by Erin Foresman/R9/USEPA/US]

[attachment "BDCP_NEPA_CWA_RHA_MOU DRAFT 20 June 2011.docx" removed by Erin Foresman/R9/USEPA/US]